IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.2106 OF 2006

Nilesh B. Shah — Petitioner

vs.

University of Mumbai & anr. — Respondents

Ms.Chitra Phadke for the petitioner.

Mr.R.A.Rodrigues for respondent no.1.

CORAM : F.I.REBELLO &
ANOOP V. MOHTA,JJ.

DATED : 14th November, 2006

P.C.

Rule. Heard forthwith.

2. The petitioner was appointed as an Assistant Professor in Computer Engineering in the second respondent-College. He secured the degree of Master of Science from Fairleigh Dickinson University at Teanec in the city of New Jersey, U.S.A. Respondent no.2 applied for approval of the appointment of the petitioner to respondent no.1. Respondent no.1 by their communication dated 31st May 2006 did not accept the recommendation of the Selection Committee in so far as the petitioner is concerned on the ground that the petitioner has not fulfilled the required qualification and experience for the post of Assistant Professor in Computer Engineering as per the University Circular No.CONCOL/VCD/307 dated 2.9.1997. The petitioner approached this court on account of rejection of the said approval.

3. After hearing the parties, we are of the opinion that this issue cannot be decided by this court. Whether the degree of M.S. is equivalent to M.S. in Computer Science will have to be gone into by the appropriate body of the University. On behalf of the University, the learned counsel points out that there is a Committee known as "Standing Committee on Equivalence on Examination". The petitioner to apply and submit the necessary details to the aforesaid Equivalence Committee within four weeks from today. On such application and submitting required information, the Committee to decide according to law. Needless to state that if the Committee treats the degree as equivalent, the respondent no.1-University to reconsider the case for approval of the petitioner. The Committee to decide whether M.S. degree obtained by the petitioner is equivalent to M.E. or M.Tech as required by the Circular of respondent no.1. In the meantime and until such decision, the interim order granted by this court to continue.

4. Rule made absolute accordingly. There shall be no order as to costs.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA,J.)